

WellBeing International

WBI Studies Repository

9-1973

HSUS Update Volume 1, Number 8

Follow this and additional works at: https://www.wellbeingintlstudiesrepository.org/v1_upd

Recommended Citation

"HSUS Update Volume 1, Number 8" (1973). *HSUS Updates* 1973. 4.
https://www.wellbeingintlstudiesrepository.org/v1_upd/4

This material is brought to you for free and open access by WellBeing International. It has been accepted for inclusion by an authorized administrator of the WBI Studies Repository. For more information, please contact wbisr-info@wellbeingintl.org.





Update

Vol. 1, No. 8
September 1973

LEGISLATIVE UPDATE

The June 1973 Legislative Update has generated several inquiries regarding the purpose and availability of this periodical. Update is an internal communication publication intended for the staff and board of directors of The Humane Society of the United States. A special edition of this publication dealing with legislation and judicial decisions, Legislative Update, is prepared bimonthly.

A limited number of Legislative Updates are being made available to selected individuals and animal welfare organizations because of the sparcity of material on state and federal legislation. This decision does not apply to regular editions of Update which will remain internal publications. Legislative Updates are printed in limited numbers and, therefore, extra copies cannot be made available to either Update recipients or the general public.

Persons receiving Legislative Update are selected on the basis of legislative activity and geographical location. The HSUS is attempting to limit distribution to no more than three recipients in one state. All persons selected must have a newsletter, newspaper column or similar method of distributing information to the general public. The HSUS staff may submit the names of persons they desire to receive Legislative Update.

Legislative Updates are intended to promote an exchange of information between The HSUS and local organizations. The HSUS would appreciate copies of state and local legislative proposals, new laws, and other pertinent information. All inquiries and materials pertaining to Legislative Update should be addressed to the Department of Information and Legislation, Humane Society of the United States, 1604 K Street, N.W., Washington, D. C., 20006.

NEW CONGRESSIONAL LEGISLATION

Senate

S.J.R. 6, Senator Alan Cranston (D-Ca.). To establish the Tule Elk Wildlife Refuge. To the Senate Committee on Commerce. Identical House resolution H.J.R. 204 (Dingell, D-Mich.).

S. 1983, Senator Harrison Williams (D-N.J.). To provide for the conservation, protection and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction. This measure has been reported out of the Senate Committee on Commerce, amended and passed by the Senate on July 24, 1973, and sent to the House. The measure has been weakened through amendment, but it is hoped that a stronger House version will be enacted. Final action is expected towards the end of September.

S. 2042, Senator Mark Hatfield (R-Ore.). To provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation. To the Senate Committee on Rules and Administration. Similar House bill H.R. 1266 (Whitehurst, R-Va.).

S. 2093, Senator Warren Magnuson (D-Wash.). To amend the Horse Protection Act of 1970 to better effectuate its purposes. To the Senate Committee on Commerce.

S. 2217, Senator Howard Baker (R-Tenn.). To provide for improvement in the treatment of animals in air transportation. To the Senate Committee on Commerce. This measure would authorize the Secretary of Transportation, in consultation with the Civil Aeronautics Board, to undertake a study of the conditions of animals during air transportation and to make recommendations and prescribe regulations for their humane treatment.

S. 2296, Senator Hubert Humphrey (D-Minn.). To provide for the protection, development and enhancement of the National Forest System, its lands and resources. To the Senate Committee on Agriculture and Forestry.

House

H.C.R. 287, Rep. Harold V. Froehlich (R-Wisc.). Requests the President to proclaim January 14 through January 20 as "National Snowmobiling Week." To the House Committee on the Judiciary.

H.R. 8055, Rep. William Gunter (D-Fla.). To prohibit the importation into the United States of meat or meat products from livestock slaughtered or handled in connection with slaughter by other than humane methods. To the House Committee on Agriculture.

H.R. 8387, Rep. William Whitehurst (R-Va.), identical to H.R. 1683 (animal health research).

H.R. 8436, Rep. James G. O'Hara (D-Mich.). To amend the Federal Meat Inspection Act in order to provide that States may not have less strict standards with respect to marketing, labeling, packaging and ingredient requirements than those made under the Federal Meat Inspection Act. To the House Committee on Agriculture. Identical House bills H.R. 8437, H.R. 9094, H.R. 9195, H.R. 9744.

H.R. 8437, Rep. James G. O'Hara (D-Mich.), identical to H.R. 8436 (state inspection standards).

H.R. 8438, Rep. Stanford E. Parris (R-Va.). To amend the Federal Meat Inspection Act with respect to custom slaughtering. To the House Committee on Agriculture.

H.R. 8617, Rep. William Whitehurst (R-Va.), identical to H.R. 1264 (animals in air commerce).

H.R. 8680, Rep. Edwin B. Forsythe (R-N.J.). To repeal the statutory authority to impose quotas on certain imported meat and meat products. To the House Committee on Ways and Means. Identical House bill H.R. 8887.

H.R. 8693, Rep. Robert A. Roe (D-N.J.), identical to H.R. 835 (animals in air commerce).

H.R. 8809, Rep. Joseph Minish (D-N.J.), identical to H.R. 7787 (Federal Meat Inspection Act).

H.R. 8816, Rep. Charles Thone (R-Neb.). To authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research. To the House Committee on Agriculture. Similar House bill H.R. 1683.

H.R. 8858, Rep. Robert H. Steele (R-Conn.). To amend the National Environmental Policy Act of 1969 in order to insure the balancing of environmental considerations with economic and social considerations in complying with provisions of such Act. To the House Committee on Merchant Marine and Fisheries.

H.R. 8887, Rep. Edwin B. Forsythe (R-N.J.), identical to H.R. 8680 (import quotas).

H.R. 8889, Rep. Edward Koch (D-N.Y.), identical to H.R. 6920 (spay clinics).

H.R. 8921, Rep. Jonathon B. Bingham (D-N.Y.). To provide for thorough health and sanitation inspection of all livestock products imported into the United States. To the House Committee on Agriculture.

H.R. 8922, Rep. Jonathon B. Bingham (D-N.Y.). To amend the Federal Food, Drug, and Cosmetic Act to provide for the registration of food importers and to require the Secretary of Health, Education, and Welfare to be notified of food imported into the United States. To the House Committee on Interstate and Foreign Commerce.

H.R. 9094, Rep. James G. O'Hara (D-Mich.), identical to H.R. 8436 (state inspection standards).

H.R. 9121, Rep. James J. Howard (D-N.J.), identical to H.R. 7955 (pregnant mares).

H.R. 9141, Rep. Torbert Macdonald (D-Mass.), identical to H.R. 835 (animals in air commerce).

H.R. 9195, Rep. James G. O'Hara (D-Mich.), identical to H.R. 8436 (state inspection standards).

H.R. 9206, Rep. Glenn Anderson (D-Ca.), identical to H.R. 8065 (trapping).

H.R. 9207, Rep. Glenn Anderson (D-Ca.), identical to H.R. 8065 (trapping).

H.R. 9379, Rep. Glenn Anderson (D-Ca.), identical to H.R. 8065 (trapping).

H.R. 9384, Rep. James J. Howard (D-N.Y.), identical to H.R. 7955 (pregnant mares).

H.R. 9404, Rep. Don H. Clausen (R-Ca.). To protect, enhance, and improve fishery and wildlife resources in the construction and operation of federal public works projects. To the House Committee on Interior and Insular Affairs.

H.R. 9554, Rep. John Melcher (D-Mont.), identical to H.R. 1683 (animal health research).

H.R. 9591, Rep. Ike Andrews (D-N.C.). To further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System. To the House Committee on Interior and Insular Affairs.

H.R. 9673, Rep. Jerome Waldie (D-Ca.). To amend the Watershed Protection and Flood Prevention Act to incorporate construction and operation measures for the benefit of fish and wildlife resources in works of improvement authorized under that Act. To the House Committee on Agriculture.

H.R. 9744, Rep. James G. O'Hara (D-Mich.), identical to H.R. 8436 (state inspection standards).

CONGRESSIONAL ACTION

Endangered Species - S. 1983 was passed by the Senate on July 24, 1973. H.R. 37 was reported out of committee on July 27, 1973. For an analysis of bill provisions see the September HSUS News.

Migratory Birds - On March 27, 1973 the Senate ratified a convention between the United States and Japan for the protection of migratory birds and birds in danger of extinction.

Endangered Species - The Convention on International Trade in Endangered Species of Wild Fauna and Flora was ratified by the Senate on August 3, 1973.

Tule Elk - Hearings on H.J.R. 204 have been scheduled for September 24 & 25 before the Subcommittee on Fisheries and Wildlife Environment of the House Committee on Merchant Marine and Fisheries.

Animals in Air Transit - The Special Studies Subcommittee of the House Committee on Government Operations has scheduled hearings for September 25, 26 & 27 to examine the shipment of animals by commercial air carriers and related problems. This action was initiated by Subcommittee Chairman Floyd Hicks in response to public concern and is independent of the pending legislative proposals on the shipment of animals.

Animal Health Research - S. 1388 is scheduled for hearings on September 27 before the Subcommittee on Agricultural Research and General Legislation of the Senate Committee on Agriculture and Forestry.

FEDERAL LAWS

The Animal Welfare Act of 1970, P.L. 91-579 - The United States Department of Agriculture's Animal and Plant Health Inspection Service has ruled that pet stores exhibiting exotic species of animals such as monkeys need no longer be licensed under the Animal Welfare Act. The exemption applies only to stores using animals for display; pet shops actually offering such animals for sale are still required to obtain a license.

On July 15th, APHIS issued a proposed rule-making to correct the inadvertent omission of sales of animals intended as pets as part of the basis for computing the annual license fee for dealers and auction operators. Copies of the proposed rule-making are available from The HSUS.

As of June 30th, licensed dealers under the Animal Welfare Act numbered 3,201. In addition, there were 838 registered research institutions, 461 registered exhibitors and 242 licensed exhibitors. An up to date listing of licensed domestic animal dealers is available from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U. S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782.

USDA has submitted its first annual report to Congress under the Animal Welfare Act. The HSUS has received written permission to review the supportive documents used to prepare the Congressional report, including research facility reports on the number of experiments conducted involving pain and statements explaining the reasons for such tests.

Realignment of the veterinary services division into nineteen regional offices has now been completed. A listing of the new regional offices appears on the last page of this Update.

The Horse Protection Act, P.L. 91-540 - In a report to Congress dated August 13, USDA reported inspecting 767 horse shows for sores on animals in the first 30 months since implementation of the Horse Protection Act. There have been 129 alleged violations of the Act with 65 cases submitted to the U. S. Attorney's Office. Of great concern to The HSUS is the fact that only ten cases have been filed in court and the only actions taken have resulted in one dismissal and two acquittals.

As a result of the Department of Agriculture's failure to properly implement the Horse Protection Act, oversight hearings were held in Congress on May 2nd. At the hearings, USDA officials pleaded for more funds, protection for inspectors, prohibitions on the showing of sores on horses, and authority to take immediate action in cases where a horse appears to be sore.

Marine Mammal Protection Act, P.L. 92-522 - The National Marine Fisheries Service has granted an economic hardship exemption under the Marine Mammal Protection Act to the Fouke Fur Company of Greenville, South Carolina for the importation of 50,500 baby Cape Seal furskins, including pelts taken from nursing animals. Issuance of the permit has raised the question of conflict of interests. NMFS and the Fouke Company share in the profits from the annual slaughter of seals on the Pribilof Islands. Fouke has stated that denial of the permit application would necessitate a 75% increase in the price which they charge NMFS to process the Pribilof sealskins.

A sidelight to the controversy regarding the Fouke permit was the position taken by the American Humane Association. In a July 24th letter to Dr. Robert F. Hutton of the National Marine Fisheries Service, AHA Wildlife Consultant Richard Denney supported the permit application to the maximum 70,000 sealskins requested by Fouke and further urged a ten year waiver of the moratorium that becomes effective October 20th so that the Fouke Fur Company may continue to take baby seals. Denney noted that the newly elected President of AHA is a resident of Greenville, South Carolina and went on to state, "Disallowance of the request ...most certainly would be a detriment to American free enterprise and a considerable number of citizens who rely on the processing of these skins for a major portion of their subsistence." An article on the Fouke permit request appears in the September HSUS News.

A dispute pertaining to the provisions of the Marine Mammal Protection Act has resulted in the death of an injured seal after it was permitted to lie unattended on a Maine beach for more than 14 hours. The Maine Sea and Shore Fisheries Commission refused to assist the seal, maintaining that such authority was exclusively delegated to the National Marine Fisheries Service. The Commission has since acknowledged that it understands the Marine Mammal Protection Act and blames the incident on a misinterpretation by a field agent.

Section 109 (4) of P.L. 92-522 states, "Nothing in this Act shall prevent a State or local government official or employee, in the course of his duties as an official or employee, from taking a marine mammal in a humane manner if such taking is for the protection or welfare of such mammal or for the protection of public health and welfare, and includes steps designed to assure the return of such mammal to its natural habitat."

The Enforcement and Surveillance Division of NMFS has informed The HSUS that humane societies do not have specific authority under P. L. 92-522 to take up injured marine mammals; however, such action is permissible provided that the appropriate state or local government agency is immediately contacted. The humane society must comply with the government agency's instructions pertaining to the care and disposition of the injured mammal.

STATE LEGISLATION

Endangered Species - Connecticut, Illinois and Colorado are the three most recent states to enact legislation for the protection and propagation of endangered species. A summary of state endangered species laws will be included in a future edition of Legislative Update.

Classroom Experimentation - California has passed a law prohibiting pain-producing experiments on animals in public elementary or high schools. Passage of the California measure in June came at a time when state statutes limiting classroom experimentation are under attack from the medical profession. Earlier this year efforts to repeal anti-experimentation statutes in Illinois and Maine were defeated.

Animal Control Citations - The State of Michigan has revised its dog law to require the issuance of citations to persons failing to restrain animals as a substitute for impoundment.

Cat Regulation - New Mexico has revised its state animal control laws to provide for the vaccination against rabies of both dogs and cats. Section 47-1-5 of the new law provides that, "Each municipal corporation shall make provision by ordinance for the seizure and killing of all dogs and cats running at large and not claimed or harbored by any person on their premises." To the knowledge of The HSUS this is the first state cat restraint law in the United States.

Greased Pig Contests - Rhode Island has amended its general cruelty statutes to specifically prohibit any person from conducting any "greasy pig contest." The amendment became effective on May 1st.

Trapping - Animal trapping reform has been the major animal welfare proposal before state legislatures this year. Bills have already been introduced in New York, Illinois, Wisconsin, California, Oregon, Washington, Wisconsin, Indiana, Connecticut, Minnesota, Ohio, West Virginia and several other states.

The Illinois proposal, H. B. 1002, became the first humane trapping measure to pass a state legislature in modern times. HSUS Director of Legislation, Guy R. Hodge, was the only public witness permitted to appear at the House hearings. Unfortunately, H. B. 1002 failed to receive a favorable report from the ruraly dominated Senate Agriculture Committee, failing by two votes to reach the Senate floor, where substantial support assured passage.

Baby Chicks - North Carolina has passed a law which prohibits the sale or give-away of living baby chicks, ducklings or other fowl or rabbits under eight weeks of age as pets or novelties.

Predator Control - Woolgrowers are still smarting from the February, 1972 Presidential Executive Order banning the use of poisons on public lands and the subsequent EPA ruling withdrawing registration of certain chemical toxicants. Rather than seeking humane controls consistent with the public interest in the protection of land, they are now advocating the re-establishment of bounties despite the proven ineffectiveness of the system. Among states targeted for possible legislation in 1973 are Alabama, Kansas, Maine, Missouri, Montana, Nevada, New Hampshire, Texas and Utah.

Ranchers are also seeking reintroduction of C-42 coyote getters, which fire cyanide charges into the mouths of animals. They are contending that the spring-fired device is more humane and selective than the explosion-fired and have applied to EPA for permission to carry out a testing program in Texas.

Spay and Neuter Clinics - In a recent court decision, two California humane organizations, Mercy Crusade and Pet Assistance Foundation, won their suit against the Southern California Veterinary Medical Association. The suit was brought in response to a SCVMA resolution, adopted in September, 1972, which threatened to disenfranchise any members who associated themselves with spay and neuter programs which advertised their services. The SCVMA based its reasoning on the argument that since the humane groups advertised for animal population control and then referred clients to veterinarians offering low cost spaying and neutering, the cooperating veterinarians were guilty of unethical solicitation. This decision by a federal court sets an important precedent for the protection of spay and neuter programs throughout the United States.

Animal Seizure - In the case of Chernik vs. the Department of Health of the City of New York, heard March 16, 1972, the New York Superior Court held that the lack of a warrant for investigation was of no import in civil proceedings by the owner to obtain the return of seized animals.

Illinois - Awaiting the Governor's signature in Illinois is a law which would require the State Department of Agriculture to assume direct responsibility for the enforcement of animal protective statutes in those regions of the state not served by an incorporated humane society. Another new law would provide for the establishment of a humane agent certification program.

VETERINARY SERVICES REGIONAL OFFICES
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

NORTHERN REGION

Area 1 Dr. A. E. Decoteau, Veterinarian in Charge
Dr. August Crawford, District 1 (Connecticut, Massachusetts, Rhode Island)
Dr. C. E. Watson, District 2 (Maine, New Hampshire, Vermont)
424 Trapelo Road
Waltham, Massachusetts 02154

Area 2 Dr. W. W. Thomas, Veterinarian in Charge
Dr. W. F. Nape, District 1 (New Jersey, New York)
Dr. R. L. Rissler, District 2 (Pennsylvania)
Building 8, Room 913
State Campus
Albany, New York 12226

Area 3 Dr. Paul Kramer, Veterinarian in Charge
Dr. W. M. Reynolds, District 1 (Delaware, Maryland)
Dr. W. L. Rehkemper, District 2 (Virginia, West Virginia)
Room 510 Hartwick Building
4321 Hartwick Road
College Park, Maryland 20740

Area 4 Dr. Douglas Stauffer, Veterinarian in Charge
 Dr. R. W. Bowen, District 1 (Ohio)
 Dr. R. M. Scott, District 2 (Michigan)
 448 Old Post Office Building
 121 East State Street
 Columbus, Ohio 43215*

Area 5 Dr. H. D. White, Veterinarian in Charge
 Dr. W. G. Evans, District 1 (Illinois)
 Dr. R. R. Geyer, District 2 (Indiana)
 Suite 1000
 5610 Crawfordsville Road
 Indianapolis, Indiana 46224

Area 6 Dr. E. M. Joneschild, Veterinarian in Charge
Dr. J. E. Thomas, District 1 (Minnesota)
Dr. A. G. Spreitzer, District 2 (Wisconsin)
555 Wabasha Street
St. Paul, Minnesota 55102

* Address change expected

Veterinary Services Regional Offices
Page Two

SOUTHEAST REGION

- Area 7 Dr. W. E. Ivey, Veterinarian in Charge
 Dr. P. W. Winner, District 1 (Kentucky)
 Dr. J. H. Duke, District 2 (Tennessee)
 P. O. Box 510
 548 U. S. Courthouse
 Nashville, Tennessee 37202
- Area 8 Dr. Claude Nelson, Veterinarian in Charge
 Dr. R. A. Rice, District 1 (Alabama)
 Dr. A. D. Robb, District 2 (Mississippi)
 P. O. Box 1120
 400 Milner Building
 Lamar & Pearl Streets
 Jackson, Mississippi 39205
- Area 9 Dr. O. L. Kelsey, Veterinarian in Charge
 Dr. R. R. Cowart, District 1 (North Carolina, South Carolina)
 Dr. P. M. Eppelle, District 2 (Georgia)
 P. O. Box 1771
 Columbia, South Carolina 29202*
- Area 10 Dr. W. W. Bird, Veterinarian in Charge
 Dr. J. A. Downard, District 1 (Puerto Rico, Virgin Islands)
 Dr. R. D. Whiting, District 2 (Florida)
 Box # 35028, 480 New Federal Building
 400 W. Bay Street
 Jacksonville, Florida 32202*

SOUTH CENTRAL REGION

- Area 11 Dr. C. J. Mikel, Veterinarian in Charge
 Dr. Fleetwood Hines, District 1 (Arkansas, Louisiana)
 Dr. J. R. Pitcher, District 2 (Oklahoma)
 1421 Federal Building
 115 Northwest 6
 Oklahoma City, Oklahoma 73102
- Area 12 Dr. E. S. Cox, Veterinarian in Charge
 (District 1 vacant)
 Dr. F. G. Hamilton, District 2 (no boundaries set)
 Dr. H. R. Shay, District 3 (no boundaries set)
 Dr. J. W. Upchurch, Border District
 Dr. S. J. Couger, Border District
 Room 301 - 702 Colorado Street
 Austin, Texas 78701

* Address change expected

Veterinary Services Regional Offices
Page Three

Area 13 Dr. M. E. Meadows, Veterinarian in Charge
Screwworm Eradication Program
Post Office 969 (Moore Air Force Base)
Mission, Texas 78572

NORTH CENTRAL REGION

Area 14 Dr. M. B. Huffman, Veterinarian in Charge
Dr. Don Torkelson, District 1 (North Dakota, South Dakota)
Dr. E. R. Batlach, District 2 (Montana)
P. O. Box 639
Room 222 Federal Building, 220 East Rosser Avenue
Bismarck, North Dakota 58502

Area 15 Dr. D. O. Manley, Veterinarian in Charge
Dr. D. A. Price, District 1 (Colorado, Wyoming)
Dr. G. W. Klover, District 2 (Utah)
Room 237, 2490 West 26th Avenue
Denver, Colorado 80211

Area 16 Dr. R. W. Gerding, Veterinarian in Charge
Dr. D. D. Philson, District 1 (Nebraska)
Dr. C. R. Watson, District 2 (Kansas)
P. O. Box 81866, 300 South 17th Street
Lincoln, Nebraska 68501

Area 17 Dr. G. W. Spangler, Veterinarian in Charge
Dr. N. E. Schulz, District 1 (Iowa)
Dr. C. V. Simmons, Jr., District 2 (Missouri)
Room 877 Federal Building, 210 Walnut Street
Des Moines, Iowa 50309

WESTERN REGION

Area 18 Dr. J. B. Healy, Veterinarian in Charge
Dr. B. G. Johnson, District 1 (California, Hawaii)
Dr. C. C. Clavell, District 2 (Arizona, Nevada)
Dr. P. R. Henry, Border District
650 Capitol Mall, Room 8566
Sacramento, California 95814

Area 19 Dr. R. L. Evinger, Veterinarian in Charge
Dr. Jack King, District 1 (Alaska, Washington)
Dr. R. Moody, District 2 (Idaho, Oregon)
494 State Street, Room 203
Salem, Oregon 97301*

* Address change expected